IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.1819 (SS) OF 2005

Ku. Mamta Pandey,
D/o late Shri Daya Kishan Pandey,
R/o Village Talla Devla,
P.O. Kunwarpur, Hadwani,
District-Nainital. .....Petitioner.

Versus

1. State of Uttaranchal, through Director I.C.D.S., Uttaranchal, Dehradun.
2. District Development Officer, Nainital.
3. District Programme Officer Bal Vikas Sewa Uttaranchal, Dehradun.
4. Smt. Durga Devi, W/o Pan Singh, R/o Village Talla Devla, P.O. Kunwarpur, Haldwani, District – Nainital.

Mr. Deep Joshi, Advocate for the petitioner.
Learned Standing Counsel for the respondents no. 1 to 3.

Dated: 21.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the appointment of Smt. Durga Devi, W/o Pan Singh presently working as Anganwari Karyakari. Further prayer has been made for a writ of mandamus directing the respondents to give appointment to the petitioner on the post of Anganwari Karyakarti.

Briefly stated, an advertisement was published in the local newspaper on July, 2002 requiring appointment for the post of Anganbari Karyakarti, where it was provided that

appointment will be given only to those candidate who are below the poverty line and having no source of income, no dependency and are unemployed.

The petitioner applied for the post of Angabari Karyakarti on 20.07.2002 and submitted her application form by hand before the Village Development Officer Tehsil Haldwani within the due date. According to the petitioner he falls below the poverty line and unemployed and have no source of livelihood. The petitioner has the requisite qualification requiring the post as she is graduate.

The petitioner has submitted that she was very sure for being appointed on the post of Anganbari Karyakarti, but other candidate named Smt. Durga Devi was appointed on the post of Anganbari Karyakarti in the month of January, 2003.

According to the petitioner, she approached the appointing authority. The petitioner was informed that she could not be given appointment as her form was not fulfilled properly and was not given at the time of appointment of Smt. Durga Devi. The petitioner received knowledge from the office that at the time of appointment, the form of the petitioner was misplaced by the fault of the authorities, that is why the appointment of the petitioner could not be made. The petitioner made a complaint to the superior officers regarding the irregularities and demanded the investigation regarding this matter.

When no action was taken on the complaint made by the petitioner, she made several representations for redressal of her grievances before the authorities concerned, but the respondent did not pay any heed to the representation of the petitioner.

In view of the above, respondent no. 2 is directed to dispose of the representation of the petitioner filed on

10.08.2005 within a period of one month from the date of presentation of the certified copy of the order considering the qualification and other qualifying factors of the petitioner.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

21.03.2006
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